

PLANNING COMMISSION MINUTES

May 17, 2000

CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Betty Bode, Sharon Dunham, Chuck Heckman, Eric Johansen and Vlad Voytilla. Commissioner Bob Barnard was excused.

Senior Planner John Osterberg, Senior Planner Barbara Fryer, AICP, Associate Planner Veronica Smith, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

PUBLIC HEARING:

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

NEW BUSINESS:

A. SV 2000-0001 – SW 166TH AVENUE STREET VACATION:

Request for a street vacation approval to vacate a 50-foot right-of-way on a portion of SW 166th Avenue located south of Walker Road. The street vacation

1 will be for approximately 590 feet of platted right-of-way located within an R-7
2 zone on Washington County Assessor's Map 1S1-06AA.

3
4 Senior Planner John Osterberg presented the Staff Report and explained this
5 request, which he described as slightly unusual because the majority of the
6 request relates to requirements of the ORS (Oregon Revised Statutes). He noted
7 that although this process does not appear in the Development Code, the City
8 Code does contain the requirements and process for a Street Vacation. He
9 referred to page 7 of the Staff Report, specifically the cover sheet for the Facilities
10 Review Conditions of Approval dated April 26, 2000, observing that the cover
11 sheet should also be dated April 26, 2000, rather than May 19, 1999. He
12 mentioned that this street vacation request is actually a Condition of Approval of
13 a PUD (Planned Unit Development) from the Facilities Review Committee. He
14 noted that the site is the location of the Waterhouse South #6 subdivision, which
15 is currently under construction. He discussed transportation issues in the area,
16 emphasizing the importance of these issues in any street vacation. He observed
17 that the vacated street, "SW 166th Avenue", has never actually existed except on
18 paper, although the extension of SW Delta Drive, which is an actual street, is
19 intended to replace the vacated SW 166th Avenue. He noted that the staff
20 recommendation is that the Planning Commission approve this request and
21 recommend approval by the City Council, adding that the City Council has the
22 final authority for decisions regarding street vacations.

23
24 Commissioner Heckman referred to paragraph 1, page 4 of the Staff Report,
25 questioning why approval for a one-year time extension had taken three months.
26 Mr. Osterberg clarified the situation, explaining that following the applicant's
27 submittal of the request for an extension, the Planning Director had advised the
28 applicant that more information was necessary for the time extension, which took
29 additional time. Commissioner Heckman expressed his concern that local
30 government respond and take action in a timely manner.

31
32 Commissioner Heckman referred to page 4 of 5 of the Facilities Review, pointing
33 out that this is a blank page, and Mr. Osterberg informed him that this had been
34 printed in draft form and the document had not yet been adopted, resulting in this
35 being incomplete. He pointed out that it has since been adopted, adding that this
36 application contains no special or unusual conditions initiated by the Facilities
37 Review Committee. Mr. Osterberg agreed with Commissioner Heckman's
38 observation that this had been a very quick review, adding that this is due to the
39 fact that the street vacation had been very limited in scope and that the entire site
40 had been recently reviewed through the process involving the Waterhouse 5 PUD.

41
42 Commissioner Bode referred to paragraph 4, page 2, specifically the section
43 concerning public comment and conversations staff had with area residents. Mr.
44 Osterberg highlighted the three telephone calls he had received and conversations
45 he had with these area residents, including NAC Chairman Joann Eden and Pat
46 Russell, adding that he could not recall the name of the third individual he had

1 discussed this with. He noted that none of these individuals chose to submit any
2 written testimony regarding this issue, adding that all three conversations
3 basically consisted of questions regarding the development, rather than
4 objections.

5
6 Commissioner Johansen requested clarification of the date of the Facilities
7 Review Conditions, and Mr. Osterberg informed him that the date of the cover
8 sheet should be April 26, 2000.

9
10 Commissioner Johansen questioned a barrier and/or sign at the end of Delta
11 Drive, located where this street currently ends and Mr. Osterberg informed him
12 that there is a barrier located there, although he is not certain that there is also a
13 sign.

14
15 Commissioner Dunham commented that during her site visit the only sign she had
16 observed had been located on Walker Road, rather than the Delta Drive location.
17 On question, she observed that she is referring to a Public Notice sign, and
18 Chairman Maks informed her that Commissioner Johansen is referring to a street
19 sign – basically a standard sign indicating that a street will be extended at this site.

20
21 Assistant City Attorney Ted Naemura questioned the extension of Delta Drive
22 within the Waterhouse development, specifically whether the intent is for a
23 dedicated right-of-way, and Mr. Osterberg stated that this is a public street.

24
25 **APPLICANT:**

26
27 **RYAN SELBY**, 12755 SW 69th Avenue, Suite 100, Portland, OR 97223,
28 representing Matrix Development, observed that the applicant is requesting the
29 vacation of 166th Avenue to fulfill a Condition of Approval imposed on the
30 Waterhouse 6 subdivision by the Facilities Review Committee, adding that the
31 applicant concurs with staff's comments and recommendations.

32
33 **PUBLIC TESTIMONY:**

34
35 This being the time for public comment regarding SV 2000-0001 – SW 166th
36 Avenue Street Vacation, it was observed that no one appeared to testify at this
37 time.

38
39 The public testimony portion of the Public Hearing was closed.

40
41 On question, neither staff nor counsel had any questions or comments at this time.

42
43 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a
44 motion to approve SV 2000-0001 – SW 166th Avenue Street Vacation, based
45 upon the testimony, reports and exhibits presented during the Public Hearing and
46 upon background facts findings and conclusions filed in the Staff Report dated

1 May 17, 2000, including the Facilities Review Conditions of Approval dated
2 April 26, 2000.

3
4 Motion **CARRIED** unanimously.

5
6 7:15 p.m. -- Mr. Osterberg left.

7
8 **OLD BUSINESS:**

9
10 **CONTINUANCES:**

11
12 **A. CPA 99-00005/CPA 99-00006 – LOCAL WETLAND INVENTORY:**

13 (Continued from April 12, 2000)

14 The proposed amendment implements Periodic Review Order #00717 (formerly
15 WO #00628), Work Task #3 – Goal 5 Inventory. This work task amends
16 Beaverton's Comprehensive Plan by adding supporting data to the Local Wetland
17 Inventory and Riparian Assessment and text to the Comprehensive Plan
18 explaining the purpose of the map. The map amendment (CPA 99-005) would
19 bring the City of Beaverton Comprehensive Plan Maps up to date with respect to
20 Natural Resources by implementing Goal 5 requirements to prepare and adopt a
21 Local Wetland Inventory and Riparian Assessment.

22
23 The map proposal amends Beaverton's Comprehensive Plan Significant Natural
24 Resource map to update the 1984 data by adding Local Wetland Inventory and
25 Riparian Assessment map areas, information required under Statewide Planning
26 Goal 5. The Map was prepared according to the methodology prescribed by Goal
27 5 implementing regulations (OAR 660-23-090 and OAR 660-23-100). The text
28 portion of the amendment (CPA 99-006) adopts the supporting documents,
29 including the methodology for implementing Goal 5 Local Wetland Inventory and
30 Riparian Assessment regulations (OAR 660-23-090 and OAR 660-23-100).

31
32 Senior Planner Barbara Fryer, presented the Staff Report and reported that staff
33 recommends approval of this particular amendment to add the Local Wetland
34 Inventory and Urban Riparian Assessment Map to the existing Significant Natural
35 Resource Area Map, based on the information in the Staff Report; all testimony
36 submitted February 24, 1999, March 22, 2000 and May 17, 2000; various staff
37 memoranda dated September 2, 1999, November 4, 1999, April 5, 2000; and
38 handout distributed today, which is dated May 16, 2000, copies of which are
39 available on the table in the back of the room.

40
41 Ms. Fryer mentioned that staff also recommends adding the textual portions of the
42 Local Wetland Inventory to the Comprehensive Plan as an appendix, to be used as
43 supplemental information and background data for land use approvals. She noted
44 that the actual mapping layers would be utilized as a "flag system" to notify staff,
45 applicants and the public that additional research is necessary regarding wetland
46 boundaries prior to development. She emphasized that this document is not

1 intended to serve as a clear indication of exact boundaries, but merely to provide
2 further clarification to staff to review the original fill permit or the original
3 wetland delineation prepared for a particular property. She emphasized that any
4 time a wetland delineation is completed that information is much more accurate
5 than any information in this particular document.
6

7 Ms. Fryer reported that staff has provided an assessment for criteria for adoption
8 of this particular amendment, which includes statewide planning goals and criteria
9 in the Comprehensive Plan, observing that adoption of this particular document is
10 appropriate at this time. She mentioned that the Local Wetland Inventory
11 followed a prescribed procedure whereby state legislation requires following a
12 certain prescribed methodology, stressing that there is no latitude to deviate from
13 that specific methodology. She observed that the Riparian Area Assessment had
14 been prepared based on the Urban Riparian Inventory and Assessment Guide,
15 pointing out that the information in this document merely serves as a "flag". She
16 stressed that this is not necessarily indicative of actual riparian area on the ground,
17 but to alert staff and the public where to begin in terms of providing a riparian
18 setback. She discussed the possibility of a "safe harbor" approach to creating
19 legislation for actual regulatory mechanisms with respect to riparian areas. She
20 pointed out that under this assumption, any of the fish-bearing streams listed on
21 the resources and cited on the document would be considered significant and
22 would require a riparian setback of fifty feet. She emphasized that this separate
23 action would be dealt with at a later time and while this is not included in
24 tonight's decision, the significance determination is.
25

26 Hal Bergsma arrived 7:24 p.m.
27

28 Ms. Fryer observed that this information is the most current and accurate
29 information available, and referred to a memo distributed tonight, dated May 16,
30 2000. This memo indicates that additional planning processes may provide
31 additional information at a later time, in the year 2001, on exact fish presence and
32 absence in the vicinity. She noted that staff is recommending adoption of the
33 Local Wetland Inventory, as written, including the list of streams that are cited in
34 the Staff Report as the significant streams. She further commented that staff
35 should be directed to return following the various planning processes, one of
36 which is the USA (Unified Sewerage Agency) Watersheds 2000 Project, adding
37 that the US Fish & Wildlife Service and the Oregon Department of Fish &
38 Wildlife may conduct additional fish studies.
39

40 Ms. Fryer referred to the information submitted by Laura Hill, observing that this
41 information is indicative of fish habitat, rather than the actual presence or absence
42 of fish species, and recommended the adoption of the significant streams listed in
43 the Staff Report and replacement of certain pages within the document.
44

45 Commissioner Heckman referred to the document dated May 16, 2000, requesting
46 clarification of the phrase "fish shocking data". Ms. Fryer informed him that the

1 researchers enter a barricaded area in the water, wearing rubber waders, and
2 utilize a device that provides an electrical current called a “fish shocker”, which
3 temporarily stuns the fish, causing them to float to the top. At this point, the fish
4 are placed in buckets and transferred to technicians waiting on the bank to be
5 weighed, measured and identified, prior to placement on the other side of the
6 barricade. She clarified that this is a method utilized in fisheries biology for
7 documentation of fish presence and species type. On question, she assured
8 Commissioner Heckman that these electrical currents would not adjust to a level
9 that will damage the fish.

10
11 Commissioner Voytilla noted that he fully understands this document for
12 utilization as a tool for future development, and questioned utilization of this tool
13 for expansion of existing uses, such as a building addition. Ms. Fryer informed
14 him that currently it would be necessary to comply with current USA regulations,
15 requiring a setback that may potentially be greater than their previous setback.

16
17 Commissioner Voytilla questioned the existence of a minimum site size for a
18 Planned Unit Development (PUD), and Ms. Fryer informed him that while there
19 is no such requirement at this time, in the past, a 4-acre threshold was required.

20
21 Commissioner Heckman referred to paragraph 2, page 10 of the Staff Report,
22 specifically the phrase: “...streams less than 1000 cfs as 50 feet from the top of
23 the bank.” He discussed a hypothetical 10-foot wide stream with the top of the
24 bank being approximately 30-feet wide and a very gentle slope, and compared it
25 to a similar stream with a very steep slope, 30 feet from the bottom and 100 feet
26 from the top. He questioned the positioning of the Riparian Corridor, and Ms.
27 Fryer informed him that it would be measured on areas that include a defined
28 channel, from the top of the bank to 50 feet out. She noted that in areas with no
29 defined channel, the Riparian Safe Harbor Approach provides for an ESEE
30 Analysis and actually assesses the riparian area adjacent to the stream. On
31 question, she clarified that in these particular areas, the “safe harbor” would not
32 apply.

33 34 **PUBLIC TESTIMONY:**

35
36 **KATHRYN RANDALL**, 3950 SW 96th Avenue, Portland, OR 97225,
37 mentioned that her property is located in an unincorporated area of Washington
38 County and referred to Map 11 of the Staff Report, specifically a small wetland
39 designated as CO2 on the lower left hand corner near Golf Creek, noting that her
40 interest involves a parcel further to the right, located near 96th Avenue and Golf
41 Creek. Noting that she had submitted a letter concerning this particular parcel,
42 she observed that she had not included the appropriate delineation map, adding
43 that she is providing that particular map at this time. She also provided a separate
44 map of the area, illustrating this site which she stated is well over an acre in size.
45 She described this heavily wooded site situated in what she referred to as a very

1 deep, “bowl of an area”, urging that this year-round creek be maintained included
2 in the wetland inventory.

3
4 Commissioner Heckman referred to Map 6 and Map 11, requesting that Ms.
5 Randall reference the area to which she is referring. Ms. Randall described the
6 area and indicated its location on this map, observing that it is to the left – or west
7 of 96th Avenue.

8
9 Commissioner Dunham requested clarification, observing that the identifications
10 of the wetlands refer to Golf Creek, adding that this would be GO1 and GO2,
11 rather than CO1 and CO2.

12
13 **PHILLIP FRENCH**, 9396 SW 171st Avenue, Beaverton, OR 97007, referred to
14 the issues he had raised at previous meetings regarding the wetlands, specifically
15 actions of the DSL (Division of State Lands). Explaining that he is in
16 disagreement with their designation of a perennial stream as intermittent, he
17 questioned DSL’s claim of familiarity with this particular site as well as their
18 refusal to review the site. He complimented the consultants for acknowledging
19 and recognizing that this area should be maintained in its existing condition,
20 emphasizing that he only testifies regarding subjects on which he is familiar.
21 Observing that he had been among several property owners who had signed
22 waivers granting access to their property to the City of Beaverton for the Local
23 Wetland Inventory, he commented that he is revoking this permission at this time.
24 He noted that the City of Beaverton needs to contact him for any further access to
25 his property and expressed appreciation to the consultants, the Planning
26 Commission and the staff for their efforts and assistance.

27
28 Commissioner Heckman expressed appreciation to Mr. French for his effort and
29 input and requested clarification of the document he had submitted today, noting
30 that it is located in the bottom line of paragraph 2, specifically the comment that
31 “the stream was grossly mislocated”. Mr. French observed that Commissioner
32 Heckman is correct to question this particular word, noting that although *Word 97*
33 had indicated that “mislocated” is not a word, because he felt it was descriptive,
34 he had chosen to leave it in. He pointed out that as a result of his testimony, DSL
35 has actually made necessary corrections regarding the location of this stream,
36 although their mischaracterization as intermittent, rather than perennial, remains.

37
38 Chairman Maks expressed appreciation to Mr. French for his input.

39
40 **ROSS TEWKSBURY**, Post Office Box 25594, Portland, OR 97298, referred to
41 Map 11, specifically Golf Creek and expressed his agreement that this is
42 inadequately represented, particularly the area of 96th Avenue and Canyon Road.
43 He discussed a family of ducks he had observed in this area, emphasizing that
44 more efforts are necessary in that area. He reiterated that Raleigh Park is actually
45 a wetland in connection with Paul Creek and the area directly across 78th Avenue,

1 and questioned the procedure for updates or corrections to this document once it
2 is actually adopted,

3
4 Chairman Maks thanked Mr. Tewksbury, assuring him that staff will respond to
5 his question concerning future updates or corrections to this document.

6
7 **DON PAULSON**, 95 NW 150TH Avenue, Beaverton, OR 97007, expressed
8 appreciation to staff, noting that the representative of the DSL had agreed with his
9 assertions regarding his property. He questioned page 8 of 11 of his previous
10 testimony, specifically whether this action means that he can stop being
11 concerned that his property will be designated as a wetland.

12
13 Chairman Maks assured Mr. Paulson that staff will address this issue and
14 informed him that in essence, he will no longer need to be concerned regarding
15 designation of his property as a wetland. On question, Mr. Paulson informed him
16 that DSL had dug a hole on his property and found no water.

17
18 **STEVE HAMLIN**, 9505 SW 160th Avenue, Beaverton, OR 97007, expressed
19 concern with the Staff Report and what he considers to be discrepancies in the
20 mapping. He agreed with Mr. French's testimony, particularly with regard to the
21 upper reaches of Johnson Creek, noting that within Section 29 of the maps, one
22 branch of a creek has mysteriously moved significantly south and no longer
23 appears to cross properties that the City's topographical maps indicate it crosses.
24 He pointed out that it now spills into the beaver pond designated JO8A, adding
25 that another branch to that creek does not appear on the map at all. He expressed
26 his concern that no flag will go up in the event any of these individuals decide to
27 develop their properties. He observed that he is in support of approval of this
28 document, with corrections, and submitted the City's topographical map,
29 indicating the location of the creek beds as well as the "sink" that comprises the
30 beaver pond. He mentioned that this map also indicates the steepness of the
31 slopes, adding that some of the cedar trees are growing at 90-degree angles and
32 emphasized that essentially, a permanent landslide exists on these slopes. He
33 expressed his concern that DSL would indicate that this is not a perennial stream
34 and that the City of Beaverton is willing to accept this assessment, based upon
35 this individual's memory, rather than an actual inspection of the area. He agreed
36 with Mr. French's disapproval of this situation, expressing his opinion that this
37 may result in some serious liability for the City of Beaverton, and observed that
38 similar situations are currently creating problems in the west hills and the State of
39 Washington. On question, Mr. Hamlin informed Commissioner Heckman that he
40 does believe that by not properly identifying these sites, the City of Beaverton is
41 in a position of potential liability.

42
43 Ms. Fryer commented that she has numerous responses, and questioned
44 specifically whether Commissioners would like her responses to Mr. Russell's
45 previous testimony and letters from individuals who are not present tonight.

1 Commissioner Heckman informed Ms. Fryer that he would like to have all of this
2 information prior to making any decision.

3
4 Ms. Fryer explained documents and exhibits distributed by Associate Planner
5 Veronica Smith, noting that the first exhibit is from the original assessment,
6 which separated WA3 into various segments, designated A through E, but
7 assessed the overall value of that particular wetland as one wetland complex. She
8 pointed out that this is within the guidelines of the Local Wetland Inventory. She
9 mentioned that although these areas had been connected at one time, they are
10 obviously no longer hydrologically connected, and based on that, Shapiro and
11 Associates had been asked to assess each section of WA 3 separately. Shapiro &
12 Associates had modified the information based on the field conditions observed at
13 the time of the field inventory (October 7, 1998). She noted that Table 5 of
14 Exhibit 2 indicates that WA3A, WA3B and WA3E are all significant wetlands,
15 due to the fact that they scored in terms of hydrologic control. She referred to
16 comments by Mr. Russell regarding a wetland that had not been scored, noting
17 that this is because WA3C has a previous wetland delineation and fill permit. She
18 discussed criteria indicating that a wetlands hydrological control function is intact
19 if four or more of the questions are answered "a".
20

21 Ms. Fryer referred to Mr. Russell's comment that there are wetlands that are
22 currently filled within the City of Beaverton's Wetland Inventory, observing that
23 although this may be correct, some of these sites may have been filled outside the
24 window of data collection for this particular project, which was initiated in 1998.
25 She noted that any of the permit that were issued during this time may not be
26 indicated on this particular inventory but would be added as individuals submit
27 these pieces of information. She mentioned Mr. Russell's reference to historic
28 drainages and wetlands, emphasizing that this is not the subject of this particular
29 Local Wetland Inventory. She stressed that this inventory relates to the
30 assessment of existing wetlands, rather than determining and restoring past
31 wetlands, adding that the City of Beaverton is following the methodology that is
32 accepted statewide.
33

34 Ms. Fryer discussed Mr. Russell's assertion that federal legislation needs to be
35 reviewed in terms of the determination of significance and determination of
36 setbacks for this particular project, emphasizing that the federal legislation
37 regarding endangered species for salmon is currently in draft form. She noted that
38 when this draft becomes final, staff would create a program providing for
39 implementation, emphasizing that this is not the subject of this particular
40 amendment. She referred to Mr. Russell's concern with wetlands that are less
41 than 1/2 an acre, adding that while these wetlands are still noted and regulated,
42 current requirements provide only for those wetlands that are 1/2 or more acres in
43 size. She observed that the consultants had found 732.5 acres within this
44 particular planning area, adding that this is a significant amount of wetlands to be
45 considering. She discussed Mr. Russell's concern with treed areas which are not

1 included in this particular effort, adding that many of these areas that he refers to
2 are appropriately included within the Significant Tree Inventory.

3
4 Ms. Fryer recommended that significance be determined at this time and that
5 based on the memo dated May 16, 2000, the Planning Commission recommend to
6 the City Council to retain this as an action item on the agenda for further
7 amendment as additional data providing necessary background information to
8 make determinations becomes available. She mentioned a letter submitted by the
9 *Tualatin Riverkeepers*, which included draft information and references certain
10 studies, including the ODF&W (Oregon Department of Fish & Wildlife) and USA
11 1995 Distribution of Fish & Crayfish & Measurement of Available Habitat in the
12 Tualatin River Basin Final Report of Research, emphasizing that staff had utilized
13 this specific study as the basis in determining which riparian areas are considered
14 significant in the City of Beaverton. She pointed out that the remainder of the
15 data in the analysis are based upon best professional judgment, as stated within
16 the document, but not upon actual physical data, adding that it had been
17 determined that when physical data is unavailable, it is necessary to make a
18 determination of significance at a later time. She expressed her opinion that
19 contrary to the recommendation of the *Tualatin Riverkeepers*, it is premature to
20 consider Metro's pending Goal 5 Safe Harbor Regulations. She mentioned
21 concerns regarding the "flagging" system, noting that these had been addressed at
22 previous meetings.

23
24 Ms. Fryer observed that although Mr. French resides outside the city limits, he has
25 devoted a great deal of time and efforts on the City of Beaverton's Local Wetland
26 Inventory. She mentioned that throughout this entire process, the City of
27 Beaverton has never identified "intermittent" versus "perennial" in any manner
28 other than that shown on the USGS quad. She emphasized that sufficient
29 information is not available at this time to designate that particular stream as
30 anything other than intermittent.

31
32 Ms. Fryer referred to comments submitted by Ms. Randall regarding the wetland
33 located at 96th Avenue, and referred to Exhibit 3 of the Staff Report, which
34 includes a letter from Shapiro & Associates. She noted that the first item
35 references the Golf Creek Wetlands southwest of Canyon Road and 96th Avenue,
36 as follows: "Shapiro revisited the site and made the following off-site
37 observations: Viewed from SW Canyon Road, the primary evidence of wetland
38 conditions at the site are the stream channel and a patch of sluice hedge visible in
39 the northern section of the site. The overstory consists of a mixture of Oregon
40 Ash, Red Alder, Oregon White Oak and Black Cottonwood. The understory is
41 dominated by Himalayan Blackberry, English Ivy and Bitter Cherry. It is possible
42 the site was wetter in the past and is transitioning to dryer conditions, given the
43 dominance of upland species below the tree canopy. Viewed from 96th and 97th
44 Avenues, the site appears to be wetter at the southern end of the parcel. An open
45 area east of the stream, along the southeastern corner of the parcel is dominated
46 by herbaceous vegetation, probably Creeping Buttercup. Adjacent to the north

1 side of the stream in the southwestern corner of the site, is another small area that
2 appears to be dominated by herbaceous wetland species – Creeping Buttercup and
3 sluice hedge. Conclusions regarding the site.” Shapiro did not have permission
4 from the landowner to access the property. Therefore, all observations were made
5 off-site. Shapiro received no documentation from the Oregon Division of State
6 Lands regarding recent wetland delineations at this site. In order to determine the
7 actual extent of potentially jurisdictional wetland on the site, a wetland
8 delineation will be necessary. The channel at the stream is mapped as wetland
9 channel on the final Beaverton LWI Map. In the event that the City of Beaverton
10 receives new information of a DSL-approved wetland delineation of the site, such
11 information would supercede the mapping from the LWI. No further changes to
12 the LWI Mapping for this site will be done.

13
14 Ms. Fryer discussed Mr. Tewksbury’s concern with Golf Creek on Map 11,
15 noting that she had already addressed these concerns. She mentioned his concern
16 with the Raleigh Park Wetland/Hall Creek to 78th Avenue, observing that this area
17 is piped underneath the Raleigh Park Swim Center, adding that the portion
18 indicated on the map is piped underneath. She pointed out that that area is not an
19 actual wetland. She informed Mr. Tewkesbury that the procedure for updates,
20 corrections and changes to this document includes a mechanism to include a
21 process for any map errors, at which time additional changes can be made,
22 provided that adequate documentation is available.

23
24 Mr. Fryer responded to Mr. Paulson’s question regarding the Staff Report dated
25 May 17, 2000, and assured him that this mapping on a particular parcel does
26 supercede any previous documents. She clarified that following approval of the
27 Local Wetland Inventory by the Planning Commission, staff will work with the
28 consultants to prepare one final complete document for submittal to the City
29 Council for their approval.

30
31 Ms. Fryer referred to Mr. Hamlin’s question regarding Map Section 29,
32 specifically JO8, noting that in January 2000, Annette Lalka recommended that
33 the Shapiro & Associates review some of the wetlands in that area. She
34 emphasized that in the event that any wetland in that area is not included or
35 mapped, the wetland is not precluded from any existing regulatory framework in
36 effect in terms of United Sewerage Agency, the Army Corps of Engineers or the
37 Division of State Lands regulations.

38
39 Commissioner Heckman requested clarification on Map Section 11 and Map
40 Section 14, specifically whether the designation GO2 represents Golf Creek, and
41 Ms. Fryer informed him that it does, adding that the numbering system is based
42 upon the name of the creek and the stream reach number. She clarified that GO
43 represents Golf Creek and 2 represents stream reach 2. Commissioner Heckman
44 referred to Map Section 11, and she informed him that the area he is referencing is
45 also a GO2. On question, she explained the methodology, noting that although
46 two different GO2s appear on two separate maps and depicting two totally

1 different areas, the numbering system is correct. She clarified that you maintain
2 the stream reach numbering system for the same area that continues a
3 hydrological action or continues the wetland plant community complex that
4 makes up the entire reach, adding that reaches are not necessarily from one map
5 page to another map page, but based upon logical boundaries, from culvert to
6 culvert, or from a particular wetland complex community to another one.
7 Commissioner Heckman commented that he would not personally utilize this
8 system, and Ms. Fryer informed him that this is actually a DSL requirement.

9
10 Ms. Dunham requested clarification regarding changes in mapping, specifically
11 whether this involves a variance procedure, and Ms. Fryer informed her that while
12 she is correct in her assessment of this situation, the variance criteria would not be
13 the same as the current variance criteria, and would be specific only to the Local
14 Wetland Inventory and based upon criteria where the mapping is incorrect.

15
16 On question, Counsel indicated that he had no comments or questions at this time.

17
18 The public testimony portion of the Public Hearing was closed.

19
20 Ms. Fryer pointed out that although the *Tualatin Riverkeepers* document had been
21 submitted with color attachments, she had not had sufficient time to create color
22 copies in time for the meeting, and offered these copies for review.

23
24 Ms. Randall mentioned that she had understood that there would be a rebuttal
25 period by the applicant at this time, and Chairman Maks explained that this
26 rebuttal period occurs during quasi-judicial applications, while this issue involves
27 a legislative application.

28
29 Expressing his opinion that staff had done a great job, Commissioner Heckman
30 mentioned that although the document includes minor discrepancies, it is never
31 possible to create a perfect document, adding that he is in support of approving
32 the Local Wetland Inventory.

33
34 Commissioner Bode observed that this natural evolutionary process is continual
35 and bears no comparison to building a street, expressing her opinion that this
36 process in this dynamic wetland issue seems reasonable. She commended Mr.
37 Paulson for his efforts, adding that she approves of Ms. Fryer's positive action in
38 convincing the DSL representative to visit Mr. Paulson's property. She expressed
39 her disappointment that DSL did not give equal exposure to Mr. French's
40 concerns, noting that scheduling a visit to both sites seems feasible to her. She
41 emphasized that she does understand hydraulics, which involves the movement of
42 molecules in a direction, expressing her opinion that more effort could have been
43 made to respond to citizens, such as Mr. French, and expressed her frustration
44 with situations such as this. She expressed her support of approving the Local
45 Wetland Inventory.

1 Chairman Maks commended the efforts of the staff, echoing Commissioner
2 Heckman's assertion that it is impossible to adopt a perfect document in an
3 environment that is constantly changing. He observed that if the Planning
4 Commission waited for every potential study, nothing would ever be resolved.
5 He expressed his appreciation to the public, particularly Mr. Paulson and Mr.
6 French. He apologized to Mr. French, noting that unfortunately, DSL does not
7 work for the Planning Commission. Observing that unlimited resources are not
8 available, he mentioned that they do the best they can with what we have to
9 address as many citizens concerns as possible at all times. He commented that
10 based on land use law, he must accept the information he receives from
11 individuals who have degrees indicating that they have the knowledge to make
12 such determinations. He agreed with Commissioner Bode, observing that Mr.
13 French will very likely be in constant attendance throughout this entire process.
14 He expressed his support of approving the Local Wetland Inventory.

15
16 Commissioner Voytilla commented that he concurs with the comments of other
17 Commissioners and thanked the public for their involvement. He commended the
18 staff for their efforts on this document, expressing his support of the adoption of
19 the Local Wetland Inventory, adding that it should be implemented as soon as
20 possible.

21
22 Commissioner Johansen expressed his agreement with previous comments, noting
23 that funding limitations are always an issue. He expressed his disappointment
24 with DSL, his appreciation of the efforts of the public and his approval of the
25 performance of the staff in creating this document. Observing that it is important
26 to take action as soon as possible, he expressed his support of approving the Local
27 Wetland Inventory.

28
29 8:30 p.m. – Ms. Smith left.

30
31 Observing that the wetlands create an incredibly fluid process, Commissioner
32 Dunham reiterated appreciation of public input, disappointment with DSL and
33 support of approval of the Local Wetland Inventory.

34
35 Commissioner Heckman **MOVED** and Commissioner Bode **SECONDED** a
36 motion to approve CPA 99-00005 – Local Wetland Inventory and Riparian
37 Assessment Map Amendment, based upon the testimony, reports and exhibits
38 presented during the Public Hearing and including the Comprehensive Plan
39 Amendment Requirements stipulated in pages 11 through 21 of the Staff Report.

40
41 Motion **CARRIED** unanimously.

42
43 Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a
44 motion to approve CPA 99-00006 – Local Wetland Inventory and Riparian
45 Assessment Map Amendment, based upon the testimony, reports and exhibits

1 presented during the Public Hearing and including the Comprehensive Plan
2 Amendment Requirement stipulated in pages 11 through 21 of the Staff Report.

3
4 Ms. Fryer commented that this motion does not include the memo submitted
5 tonight.

6
7 Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a
8 motion to amend the motion to include the documents, including the
9 memorandum submitted by staff May 17, 2000.

10
11 Motion **CARRIED** unanimously

12
13 Commissioner Voytilla **MOVED** and Commissioner Bode **SECONDED** a
14 motion to reconsider CPA 99-00005 – Local Wetland Inventory and Riparian
15 Assessment Map Amendment.

16
17 Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a
18 motion to approve CPA 99-00005 – Local Wetland Inventory and Riparian
19 Assessment Map Amendment, based upon the testimony, reports and exhibits
20 presented during the Public Hearing and including the Comprehensive Plan
21 Amendment Requirements stipulated in pages 11 through 21 of the Staff Report
22 and to include all documents, including the memorandum submitted by staff May
23 17, 2000.

24
25 Motion **CARRIED** unanimously.

26
27 Chairman Maks commented that staff has requested a recommendation to the City
28 Council to update the City of Beaverton's Determination of Significance based on
29 fish-bearing or habitat status of its streams to be reviewed in 2001.

30
31 Commissioner Bode **MOVED** and Commissioner **SECONDED** a motion for a
32 recommendation to the City Council to update the City of Beaverton's
33 Determination of Significance based on fish bearing or habitat status of its
34 streams to be reviewed in 2001.

35
36 Motion **CARRIED** unanimously.

37
38 **NEW BUSINESS:**

39
40 **B. RZ 99-00020 – CORNELL ROAD REZONE OF TAX LOT 100:**

41 Request for approval of a rezone to change the city's zoning designation from
42 Office Commercial (OC) to Community Service (CS) on an approximately 2-acre
43 parcel located on the north side of Cornell Road, between 167th Place and Twin
44 Oaks Drive. The development proposal is located on Assessor's Map 1N1-31AA,
45 Tax Lot 100, and is approximately 2.37 acres in size.
46

1 Chairman Maks commented that the applicant had requested a continuance of this
2 Public Hearing to a date certain of May 31, 2000. Commissioner Heckman
3 observed that the agenda on that night includes a large Public Hearing, and
4 Chairman Maks corrected him, stating that the Public Hearing will be huge and
5 that this particular Public Hearing may again be continued at that time, if
6 necessary.

7
8 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a
9 motion that the Public Hearing be continued to a date certain of May 31, 2000.

10
11 Motion **CARRIED** unanimously.

12
13 **APPROVAL OF MINUTES:**

14
15 Minutes of the meeting of April 26, 2000, submitted. Minutes approved, as
16 written.

17
18 Minutes of the meeting of May 3, 2000, submitted. Chairman Maks referred to
19 line 21, page 1, requesting that the minutes be amended, as follows: "The
20 meeting was called to order by ~~Chairman Maks~~ **Vice-Chairman Voytilla...**"
21 Commissioner Dunham referred to line 9, page 4, observing that a blank area
22 indicates missing text and suggested that this text be inserted and the minutes
23 resubmitted for approval at a later date.

24
25 **MISCELLANEOUS BUSINESS:**

26
27 Commissioner Heckman commented that the street vacation application this
28 evening had been approved much more quickly than a different street vacation
29 application several weeks ago, and Chairman Maks pointed out that the previous
30 application had issues with connectivity that were not present in the application
31 this evening.

32
33 The meeting adjourned at 8:45 p.m.